on the facts of international life dealing with such subjects as the equality of states, the recognition of states, and the nature of jurisdiction. We find the author speaking of states as "living organisms," to which he assigns certain "inherent" qualities, such as dignity, honor, and reputation. It is not surprising, therefore, to find significance attached to the custom of referring to monarchies and kingdoms in the feminine gender and to republics in the neuter gender. An author who thinks that in municipal law "the animal man is the principal fact," easily abstracts states as the principal *facts* in international life, and his dealing with the law applicable to these abstract states has little reference to the political events of the last half century. A legal adviser of a foreign office would hardly turn to Mr. Foulke's discussion of states if he found it necessary to deal with questions arising in connection with the new governments erected on the territory of the former Russian Empire. Mr. Foulke's "facts" are extracted from a world of words, not from a world of political events. This process made it possible for him to reach the hopeful conclusion that "the probability is that modern civilization has now seen the final culmination of the struggle for popular liberty and that absolute governments will practically disappear from the world." The conclusion would probably occasion no dispute in "Main Street."

That part of the treatise which deals with substantive international law contains little that is new or striking. Its "logical arrangement" is undoubtedly some improvement on the classical chapter topics for a treatise on international law. It is generally free from over-reliance on analogies to private-law conceptions, but the statement that "fisheries in the maritime belt are universally admitted to be solely the property of the littoral state" (I, p. 401) is an unfortunate exception; so also the statement that "a federal constitution is the result of a treaty between several states, just as marriage is the result of a previous engagement to marry" (I, p. 476). In referring to the transfer of territory as "international conveyancing," the author lends aid to the modern writers who seem to think that sovereignty, like seisin, must not be in abeyance.

Since the treatise appears just at the end of the World War, perhaps future students will have some charity toward the treatment of problems acute while Mr. Foulke was writing. But they will hardly condone his reference to the German people as the "German tribes" (II, p. 230); nor are they likely to accept his unilateral title for the recent war, which he calls the "War of German Aggression." The discussion of questions on which the Allies had opposed the Central Powers is pitched in the tone of these references, and discloses a bias which will probably lead judicious persons to attach less weight to the author's views on important questions about which controversy is raging.

M. O. H.

INTERNATIONAL LAW. By L. Oppenheim. Vol. I — Peace. Third Edition, edited by Ronald F. Roxburgh. London and New York: Longmans, Green and Company. 1920. pp. xliii, 799.

For fifteen years this has been the English work on international law most highly esteemed for bibliographical material and also for wide scope. This new edition, prepared with the aid of notes left by the author, retains the qualities of its predecessors.

In examining a book so long esteemed, what one emphasizes is necessarily the new matter. Among the passages appearing for the first time in this edition are those dealing with the development of international law in the World War (§ 50*a*), the Peace Conference (§ 50*b*), the past and present positions of self-governing dominions (§§ 94*a*, 94*b*), the American punitive expedition into Mexico and the occupation of Juarez (§§ 133*a*, 133*b*), the German invasion of

Luxemburg and Belgium, (§ 133*c*), the League of Nations (§§ 167*a*–167*t*), aerial navigation (§§ 197*a*–197*c*), wireless telegraphy (§§ 287*a*, 287*b*), and the Channel Tunnel (§§ 287*c*, 287*d*). Those passages are adequate for the purposes of international law in peace; and war is reserved, as heretofore, for the second volume.

It is noticeable that the discussion of the merits and defects of the League of Nations gives no prominence to Article X or to the representation accorded to subordinate parts of the British Empire; but this volume was prepared for the press several months before those features of the League of Nations aroused discussion in the United States, and neither the author nor the editor should be blamed for having no more foresight than was possessed by the members of the Peace Conference.

E. W.

FEDERAL CRIMINAL LAW AND PROCEDURE. By Elijah N. Zoline. With an introduction by Hon. Henry Wade Rogers. Boston: Little, Brown and Company. 1921. 3 vols. pp. cxxxi, 505, 730, 783.

The end and aim of legal administration is not the perfection of law but the doing of justice. The actual achievement of justice may be infinitely assisted or infinitely impeded by rules of procedure. That there is ample room for reform in American procedure is a truism heard to-day from every side. "The procedure of our courts is antiquated and a hindrance, not an aid, in the just administration of the law," said President Wilson in an address delivered in New York in November, 1916. "We must simplify and reform it as other enlightened nations have done, and make courts of justice out of our courts of law." Perhaps this is more true of criminal law than of any other field of practice. "The administration of the criminal law in all the states of the Union (there may be one or two exceptions) is a disgrace to our civilization," remarked one of our ex-Presidents;[1] and Mr. Moorfield Storey, a former President of the American Bar Association, declared in an address before the Yale Law School: "There is no part of its work in which the law fails so absolutely and so ludicrously as in the conviction and punishment of criminals." Similarly, Mr. Henry W. Taft, delivering the President's address before the New York Bar Association in January, 1920, after quoting some very suggestive statistics, declared that "the figures show what is measurably near a scandalous condition in the administration of criminal justice."

One of the noteworthy features of the modern development of criminal law in this country is the increasing importance of criminal law and procedure in the federal courts. The first half-century which followed the adoption of the Constitution saw but comparatively an unimportant part played by federal criminal law, — a part which widened in its scope, however, with increasing Congressional action under the interstate commerce power, the power to regulate the mails, the power to regulate the national currency, etc. To-day federal criminal law has become of immense importance; one has only to think of the important Conspiracy prosecutions, the enforcement by criminal proceedings of the Anti-Trust Acts, the Pure Food and Drug Acts, the Mann Act, the Shipping Acts, the national Prohibition Acts, the Lever Act, the Espionage Acts, and a host of others. In 1919 the United States Department of Justice commenced no fewer than 47,443 prosecutions. It follows that the appearance of a book on federal criminal law and procedure is particularly timely and important, — especially so, as there has heretofore been no adequate work confined to a consideration of the criminal side of federal procedure.

Mr. Zoline's work is published in three volumes. The first deals with federal

[1] Mr. William H. Taft, in the YALE LAW JOURNAL for 1905.